

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DANIEL JOSEPH YOUNG,

Plaintiff,

v.

JEFF LYNCH, et al.,

Defendants.

No. 2:22-cv-0487 KJM DB P

ORDER

Plaintiff, a state prisoner, is proceeding with a civil rights action under 42 U.S.C. § 1983. In an order filed July 6, 2022, this court screened plaintiff's first amended complaint. This court found plaintiff stated some cognizable claims for relief. Plaintiff was given the option of proceeding on the claims found cognizable or amending the complaint. Plaintiff was required to file a notice informing the court of her election. When plaintiff did not file a timely notice, on August 31, 2022, this court recommended this action be dismissed for plaintiff's failure to prosecute and to comply with court orders. Chief Judge Mueller adopted that recommendation and the case was closed in November 2022.

Recently, plaintiff filed a document informing the court that she was unable to prosecute this case because she did not have access to her legal documents. Based on that filing, Chief Judge Mueller reopened the case and referred it back to the undersigned magistrate judge for further proceedings.

1 To proceed, plaintiff must respond to the court's July 6 order. Plaintiff will be provided
2 another copy of that order and of the notice form. By returning that form, plaintiff will inform the
3 court whether she wants to proceed immediately on her Eight Amendment excessive force claims
4 against defendants Giardino, Sotelo, and Bell, her Eighth Amendment medical claim against
5 defendant Giardino, and her First Amendment retaliation claims against defendants Giardino,
6 Sotelo, and Bell. If she decides to proceed with those claims without amending her first amended
7 complaint, plaintiff will be voluntarily dismissing all other claims.

8 Accordingly, IT IS HEREBY ORDERED that

9 1. Within thirty days of the date of this order, plaintiff shall file a copy of the Notice on
10 How to Proceed that is included with the copy of the court's July 6 order.

11 2. The Clerk of the Court is directed to send plaintiff a copy of the July 6 order and it's
12 attachment, along with the copy of the present order.

13 Dated: June 27, 2023

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16 DEBORAH BARNES
17 UNITED STATES MAGISTRATE JUDGE
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24 DLB:9
25 DB Prisoner Inbox/Civil Rights/R/youn0487.Ita or proceed(2)
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